



# Train path allocation in the railway sector in Germany

## Inadmissibility of "Grandfather Rights"





- Capacity for the allocation of infrastructure is limited, in the railway sector as well as in the aviation sector.
- Non-discriminatory planning tools are essential.
- Slot allocation procedures are a basic integral part of liberalisation.





## Structuring:



1. Presentation of the Federal Railway Authority and the Federal Network Agency.
2. Presentation of legal provisions regulating the allocation of infrastructure in the railway sector.
3. Presentation of the competences of the Regulatory Body.
4. Summary: Inadmissibility of „grandfather rights“ as criteria for train path allocation. Concrete example of a network procedure.

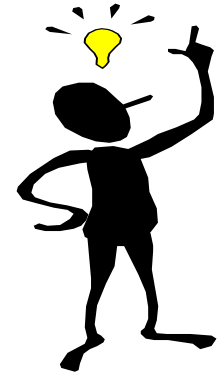


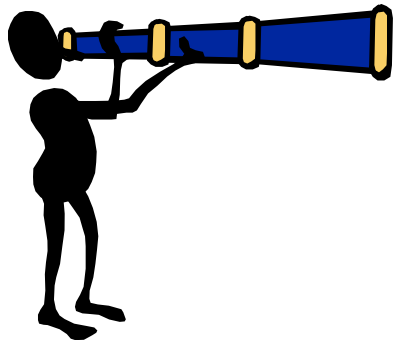


## Presentation of the German Railway Regulatory Body

- Eisenbahn-Bundesamt:

- the supervisory and authorising body for the railway sector.
- One of the main tasks of the regulatory body is to observe the procedure of allocation of train paths.
- Up until the 31 December 2005 this task is still performed by the Federal Railway Authority.





- Bundesnetzagentur:

- Federal Network Agency for liberalisation and regulation electricity, gas, telecommunications, postal and railway markets
- The third railway law for the amendment of railway legal provisions (implementing directive 2001/14(EC) determined that the railway regulatory tasks and competences shall be passed on, over to the Federal Network Agency.





## Legal basis which regulate the allocation of train paths:

- General Railway Act
  - Allgemeines Eisenbahngesetz (AEG)
- The order for Railway Infrastructure Use
  - Eisenbahninfrastruktur-Benutzungsverordnung (EIBV)





- Capacity of infrastructure is allocated by the infrastructure manager (IM).
- A contract by civil law is concluded between the IM and the access-entitled undertakings (AU).
- The IM has to guarantee the right of non-discriminatory use of railway infrastructure (§ 14 AEG).





The railway regulations differ for the following infrastructure managers:

- the operators of the railtrack systems
- the operators of service facilities





## Definition of a train path:

*„that part of the track capacity of an operator of the railtrack system which is necessary that a train can run at a particular time between two places“.* (§ 3 EIBV)

## Definition of a slot:

*„the scheduled time of departure or the scheduled time of approach, which is allocated or available at an airport for an aircraft movement on a given day during coordinated spaces of time“.* (EC-Order nr.95/93)





## Network statement (§ 4 EIBV)

- the railway conditions for use. The network statement has to set out in detail the general rules, deadlines, procedures and criteria concerning the capacity allocation schemes.
- The operators of the railroad track systems are obliged to set up network statements.
- Network statements are binding for all participants to the network access.





## Following undertakings are entitled to have access (AU):

- railway traffic undertakings
- companies who want to transport goods via a railway undertaking (loader, haulage contractor)
- responsible bodies for regional tail transport of passengers
- owners of railway vehicles



- The AU can make an application for allocation of a train path at any time (§ 6 EIBV).
- The operator of the track system is committed to handle this application (§ 3 EIBV).
- Applications for the annual network schedule are subject to a special deadline.

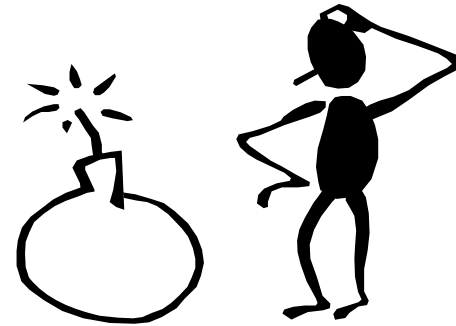


- No later than 11 months before the network schedule comes into force the operators of the track systems are obliged to ensure that the provisional international train paths have been established in co-operation with the concerned infrastructure managers of the member states.
- No later than 8 months before the network schedule comes into force the national train paths, which shall be part of the working timetable, must be applied to the operator of the track system.





## Train paths conflicts



A train path conflict exists if there are demands for train paths which want to use track system capacity at the same time and cannot be arranged with each other.



The operator of the track system has to execute:

- a co-ordinating process (step 1)

the operator of the track system is obliged to consult the purchasers in order to achieve an amicable resolution

- an arbitration-process (step 2)





In the arbitration-process the operator of the track system has to arbitrate and strictly adhere to the following priority rules (§ 9 para.4 EIBV):

1. International train paths.
2. Clocked traffic.
3. Train paths for freight traffic.





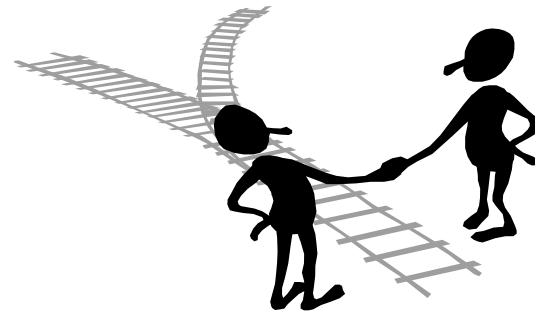
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according to the criteria called  
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## § 11 para. 2 EIBV:

*"The right to make use of a (concrete) train path can be awarded to AU maximum until the end of the (annual) network schedule period".*





## § 14 a AEG, § 13 EIBV, :

*An operator of the track system and an AU can conclude a framework agreement regarding the use of rail track capacity.*

*This framework agreement has a duration of a period of time exceeding one single network schedule.*

*In this framework agreement a time-window is concluded.*

*In the case of a conflict the IM is allowed to offer one single train path within the agreed time-window.*





In framework agreements the IM shall not regulate the allocation of single train paths.

An AU who has concluded a framework agreement with the operator of the track system has no claim to a concrete train path. It only has claim to a single train path within the concluded time-window.





## Competences of control for the regulatory body :

- The construction process and content of the network statements.
- The concrete train path allocation in detail.
- The content and conclusions of framework agreements.





## Summary



Through the fundamental revision of the German railway law the legislator has positioned himself clearly concerning the process of handling train paths conflicts.

A concrete train path can only be allocated for the duration of a single network schedule.





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according to the criteria called  
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**Thank you for your kind attention!**

